

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TODD DEVOS,

Plaintiff(s),

v.

MUSIC TRIBE COMMERCIAL NV, INC.,

Defendant(s).

Case No. 2:20-CV-1581 JCM (EJY)

ORDER

Presently before the court is defendant Music Tribe Commercial NV, Inc.’s (“Music Tribe”) motion to dismiss (ECF No. 35) plaintiff Todd Devos’s (“Devos”) amended complaint (ECF No. 33). Devos did not respond, and the deadline to do so has passed. LR 7-2(b).

Pursuant to District of Nevada Local Rule 7-2(d), “the failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.” LR 7-2(d); *see Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is a proper ground for dismissal.”).

However, the court will not automatically grant every unopposed motion. First, the court must weigh the following factors: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.” *Ghazali*, 46 F.3d at 53.

Having considered Music Tribe’s motion and Devos’s amended complaint in light of the *Ghazali* factors, the court grants the motion. The first three factors—the public’s interest in

1 expeditiously resolving this litigation, the court's interest in managing the docket, and the risk of
2 prejudice to defendants—all weigh in favor of dismissal. *See id.*; *Anderson v. Air West*, 542 F.2d
3 522, 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of
4 unreasonable delay). Therefore, dismissal is appropriate.

5
6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Music Tribe
8 Commercial NV, Inc.'s motion to dismiss (ECF No. 35), be, and the same hereby is,
9 GRANTED. Todd Devos's amended complaint (ECF No. 33) is DISMISSED, without
10 prejudice.

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12 DATED February 4, 2022.

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14 
UNITED STATES DISTRICT JUDGE